AN ORDINANCE 2006-06-01-0673

AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SAN ANTONIO BY AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE, SECTION 35-304, OF THE CITY CODE OF SAN ANTONIO, TEXAS BY CHANGING THE ZONING DISTRICT BOUNDARY OF CERTAIN PROPERTY.

WHEREAS, a public hearing was held regarding this amendment to the Official Zoning Map at which time parties in interest and citizens were given an opportunity to be heard; and

WHEREAS, the Zoning Commission has submitted a final report to the City Council regarding this amendment to the Official Zoning Map of the City of San Antonio; NOW THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 35, Unified Development Code, Section 35-304, Official Zoning Map, of the City Code of San Antonio, Texas is amended by changing the zoning district boundary of 6.84 acres out of NCB 18337 and 2.27 acres out of NCB 35733 from "C-1 S" GC-1 Light Commercial Gateway Corridor District-1 with a Specific Use Permit For a Three Restaurant Complex with Sales of Alcoholic Beverages Incidental to the Consumption of Food and "R-20" GC-1 Residential Single-Family Gateway Corridor District-1 to "C-2" GC-1 (CD-Automobile Dealership) Commercial Gateway Corridor District-1 with a Conditional Use for an Automobile Dealership on 6.84 Acres out of NCB 18337 and "C-1" GC-1 (CD-Automobile Dealership) Light Commercial Gateway Corridor District-1 with a Conditional Use for an Automobile Dealership on 2.27 Acres out of NCB 35733.

SECTION 2. A description of the property is attached as Exhibit "A" and made a part hereof and incorporated herein for all purposes.

SECTION 3. The City Council finds as follows:

- **A.** The conditional use will not be contrary to the public interest.
- **B.** The conditional use will not substantially nor permanently injure the appropriate use of adjacent conforming property in the same district.
- C. The conditional use will be in harmony with the spirit and purpose for conditional uses as set forth in Section 35-422, Conditional Zoning, of the Unified Development Code.
- **D.** The conditional use will not substantially weaken the general purposes of the regulations as set forth in Section 35-422, Conditional Zoning, of the Unified Development Code.
- E. The conditional use will not affect adversely the public health, safety and welfare.

SG: 06-01-06 Item No. Z-18.

SECTION 4. The City Council finds that the following conditions shall be met to insure compatibility with the surrounding properties:

A. Compliance with all applicable standards of the Gateway Corridor Overlay-1 is required which include, but are not limited to, landscaping, lighting, screening and tree preservation. Consultation with COSA Natural Areas staff on the installation of new plant materials is encouraged.

B. Type "C" landscape buffers, including both a fence or wall and vegetation, shall be installed along those property lines directly abutting parcels with existing residential zoning. Specifically, this includes the west and south property lines of the 2.27 acre tract and a portion of the south property line of the 6.84 acre tract.

C. Direct access to and from the 2.27 acre tract (21660 Milsa Drive) onto Milsa Drive shall not be allowed and a one foot non-access easement shall be recorded on this tract during platting. Direct access onto Milsa Drive from the 6.84 acre tract (21587 IH 10) shall be restricted to right turning movements only.

D. Outdoor speaker systems shall not be used.

SECTION 5. All other provisions of Chapter 35 except those expressly amended by this ordinance shall remain in full force and effect including the penalties for violations as made and provided for in Section 35-491.

SECTION 6. The Director of Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

SECTION 7. This Ordinance shall become effective on June 11, 2006.

PASSED AND APPROVED this 1st day of June, 2006.

DUII HARDRERGER

ATTEST:

APPROVED AS TO FORM:

City Attorney

Agenda Voting Results

Name:

Z-18.

Date:

06/01/06

Time:

07:48:40 PM

Vote Type:

Multiple selection

Description: ZONING CASE #Z2006099 CD (District 8): An Ordinance changing the zoning district boundary from "C-1 S" GC-1 Light Commercial Gateway Corridor District-1 with a Specific Use Permit For a Three Restaurant Complex with Sales of Alcoholic Beverages Incidental to the Consumption of Food and "R-20" GC-1 Residential Single-Family Gateway Corridor District-1 to "C-2" GC-1 (CD-Automobile Dealership) Commercial Gateway Corridor District-1 with a Conditional Use for an Automobile Dealership on 6.841 Acres out of NCB 18337 and "C-1" GC-1 (CD-Automobile Dealership) Light Commercial Gateway Corridor District-1 with a Conditional Use for an Automobile Dealership on 2.271 Acres out of NCB 35733, 21587 IH 10 West and 21660 Milsa Drive as requested by Brown, P. C., Applicant, for Bagheri Brothers, Inc. and Phillip Knaupp, Owner(s). Staff and Zoning Commission recommend Approval with conditions.

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		Х		
SHEILA D. MCNEIL	DISTRICT 2	Not present			
ROLAND GUTIERREZ	DISTRICT 3		Х		
RICHARD PEREZ	DISTRICT 4	Not present			
PATTI RADLE	DISTRICT 5		Х		
DELICIA HERRERA	DISTRICT 6		x		
ELENA K. GUAJARDO	DISTRICT 7		х		
ART A. HALL	DISTRICT 8		х		
KEVIN A. WOLFF	DISTRICT 9		Х		
CHIP HAASS	DISTRICT_10	Not present		,	
MAYOR PHIL HARDBERGER	MAYOR	Not present			

EXHIBIT A

To Ordinance No.

Passed on June 1, 2006

STATE OF TEXAS

#

COUNTY OF BEXAR

#

Field notes of a 6.841 acre, more or less, tract of land out of Tract 5, New City Block 18337, Traylor Resubdivision, in the City of San Antonio, Bexar County, Texas, according to plat thereof recorded in Volume 980, Page 238, Plat Records of Bexar County, Texas, also being that same tract described in deed recorded in Volume 7229, Page 516, Real Property Records of Bexar County, Texas; said 6.841 acre tract being more fully described as follows:

Beginning at an existing steel rod in a southern line of Milsa Drive (formerly Traylor Loop Drive) for the northwest corner of this tract and the above referenced tract described in deed recorded in Volume 7229, Page 516, Real Property Records of Bexar County, Texas, this steel rod being the northeast corner of the Bagheri Bros. Inc. 2.271 acre tract as described in deed recorded in Volume 11568, Page 1075, Real Property Records of Bexar County, Texas;

Thence, along a fence with a southern line of Milsa Driveⁱ, N 87° 38' 46" Eⁱⁱ 396.34 feet to an existing steel rod (a concrete monument bears N 65° 01' 21" E 5.63 feet) to its intersection with a southwestern right-of-way line of Interstate Highway No. 10ⁱⁱⁱ;

Thence, continuing along a fence with said right-of-way line, S 61° 35' 52" E 171.86 feet to a steel rod set, a concrete monument bears N 30° 39' 17" W 8.33 feet;

Thence, continuing along a fence with said right-of-way line of Interstate Highway No. 10, S 30° 32' 35" E 461.14 feet to an existing steel rod, this steel rod being the northeast corner of the Evelyn Wilkins 3.0583 acre tract as described in deed recorded in Volume 8440, Page 1763, Real Property Records of Bexar County, Texas;

Thence, along a board fence with a south line of this tract and the north line of said Wilkins 3.058 acre tract, N 89° 45' 29" W, at 246.49 feet a found one inch iron pipe at the northwest corner

of said Wilkins 3.058 acre tract, and continuing along a wire fence with the north line of the Adolph P. Knaupp tract as described in deed recorded in Volume 1608, Page 416, Real Property Records of Bexar County, Texas a total distance of 782.05 feet to an existing steel rod at the northwest corner of said Knaupp tract, this steel rod also being in the eastern line of the aforementioned Bagheri Bros. Inc. 2.271 acre tract;

Thence, continuing along a fence with the west line of this tract and said east line of Bagheri Bros, Inc. tract, N 00° 03′ 56″ E 459.32 feet to the place of beginning and containing 6.841 acres of land, more or less. iv

I, James E. Schwarz, a Registered Professional Land Surveyor, hereby certify that the above field notes are of a survey made on the ground under my supervision between January 25 and February 14, 2006.

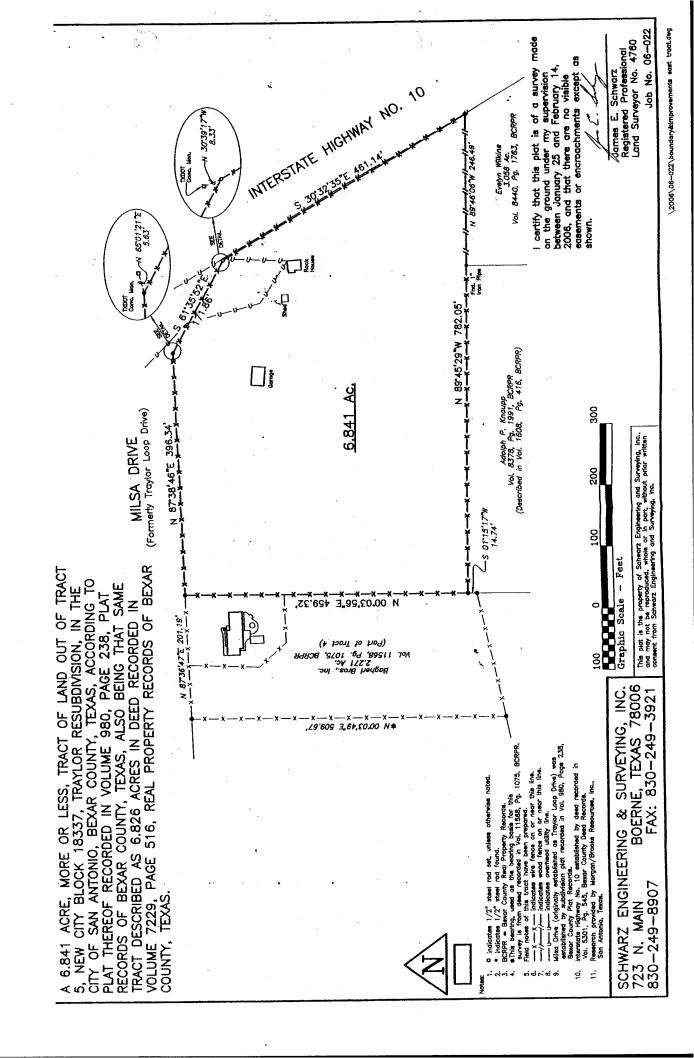
James E. Schwarz Registered Professional Land Surveyor No. 4760 Job No. 06-022

Schwarz Engineering & Surveying, Inc. 723 N. Main St., Boerne, TX 78006 830-249

i. Milsa Drive (originally established as Traylor Loop Drive) was established by subdivision plat recorded in Volume 980, Page 238, Bexar County Plat Records.

ii. The bearing used as the bearing basis for this survey is from deed recorded in Volume 11568, Page 1075, Real Property Records of Bexar County, Texas having a bearing of N 00° 03' 49" E.

iii.Interstate Highway No. 10 established by deed recorded in Volume 5301, Page 545, Bexar County Deed Records. iv. A plat of this tract has been prepared.



#

COUNTY OF KENDALL

Field notes of a 2.269 acre, more or less, tract of land out of the north part of Tract 4, New City Block 35733, Traylor Resubdivision, in the City of San Antonio, Bexar County, Texas, according to plat thereof recorded in Volume 980, Page 238, Plat Records of Bexar County, Texas, also being that same tract described as 2.271 acres in deed recorded in Volume 11568, Page 1075, Real Property Records of Bexar County, Texas; said 2.269 acre tract being more fully described as follows:

Beginning at an existing steel rod in a southern line of Milsa Drive (formerly Traylor Loop Drive) for the northwest corner of this tract and of the above referenced 2.271 acre tract and being the northeast corner of the Jacqueline K. McGhee 2.433 acre tract as described in deed recorded in Volume 11190, Page 921, Real Property Records of Bexar County, Texas;

Thence, along a fence on said line of Milsa Drive¹, N 87° 36' 47" E 201.19 feet to an existing steel rod, this steel rod being the northwest corner of the Bagheri Bros. Inc. 6.826 acre tract described in deed recorded in Volume 7729, Page 516, Real Property Records of Bexar County,

Texas and the northeast corner of said 2.271 acre tract;

Thence, continuing along a fence with the east line of this tract and the west line of said Bagheri 6.826 acre tract, S 00° 03' 56" W 459.32 feet to an existing steel rod, this steel rod being at the southwest corner of said 6.826 acre tract and the northwest corner of the Adolph P. Knaupp tract as described in deed recorded in Volume 1608, Page 416, Real Property Records of Bexar County, Texas;

Thence, continuing along a fence with the east line of this tract and the west line of said Knaupp tract, S 01° 15' 17" W 14.74 feet to an existing steel rod, this steel rod being at the northeast

corner of a remaining portion of Tract 4, North Part, owned by Adolph P. Knaupp, (Tract 4, North Part being a portion of the Traylor Resubdivision as shown on a plat recorded in Volume 980, Page 238, Plat Records of Bexar County, Texas);

Thence, continuing along a fence with the southern line of this tract and the northern line of the aforementioned remaining portion of Tract 4, North Part, S 77° 38' 21" W 205.50 feet to an existing steel rod, this steel rod being a southeast corner of the aforementioned Jacqueline K. McGhee 2.433 acre tract;

Thence, continuing along a fence with the east line of said McGhee 2.433 acre tract and the west line of said 2.271 acre tract, N 00° 03' 49" E² 509.67 feet to the place of beginning and containing 2.269 acres of land, more or less.³

I, James E. Schwarz, a Registered Professional Land Surveyor, hereby certify that the above field notes are of a survey made on the ground under my supervision between January 25 and February 14, 2006.

James E. Schwarz

Registered Professional

Land Surveyor No. 4760

Job No. 06-022

Schwarz Engineering & Surveying, Inc. 723 N. Main St., Boerne, TX 78006 830-249-8907

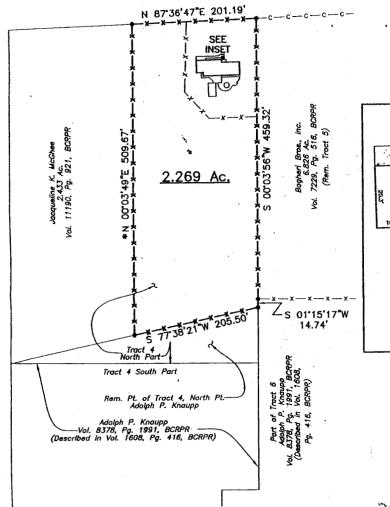
^{1.} Milsa Drive (originally established as Traylor Loop Drive) was established by subdivision plat recorded in Volume 980, Pate 238, Bexar County Plat Records.

^{2.} This bearing, used as the bearing basis for this survey, is from deed recorded in Volume 11568, Page 238, Real Property Records of Bexar County.

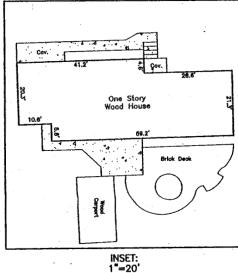
^{3.} A plat of this tract has been prepared.

A 2.269 ACRE, MORE OR LESS, TRACT OF LAND OUT OF THE NORTH PART OF TRACT 4, NEW CITY BLOCK 35733, TRAYLOR RESUBDIVISION, IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, ACCORDING TO PLAT THEREOF RECORDED IN VOLUME 980, PAGE 238, PLAT RECORDS OF BEXAR COUNTY, TEXAS, ALSO BEING THAT SAME TRACT DESCRIBED AS 2.271 ACRES IN DEED RECORDED IN VOLUME 11568, PAGE 1075, REAL PROPERTY RECORDS OF BEXAR COUNTY, TEXAS.

MILSA DRIVE (Formerly Traylor Loop Drive)



300



200 Graphic Scale

O indicates 1/2" steel rod set, unless otherwise noted.

● indicates 1/2" steel rod found.

BCRPR — Bexor County Real Property Records.

● This bearing, used as the bearing boals for this survey is from deed recorded in Vol. 11568, Pg. 1075, BCRPR. Field notes of this tract have been prepared.

— X — X — Indicates wire fence on or near this fine.

Miliad brive (originally established as Trayfor Loop Drive) was established by subdivision plat recorded in Vol. 980, Page 236, Bexor County Plat Records.

Research provided by Morgani/Brooks Resources, Inc., San Antonio, Texas.

This tract subject to essement mentioned in deed recorded in Volume 1887, Pg. 55, Bexor County Deed Records.

This plat is the property of Schwarz Engineering and Surveying, Inc. and may not be reproduced, whole or in part, without prior written consent from Schwarz Engineering and Surveying, Inc.

SCHWARZ ENGINEERING & SURVEYING, INC. **BOERNE, TEXAS 78006** 723 N. MAIN FAX: 830-249-3921 830-249-8907



i certify that this plat is of a survey made on the ground under my supervision between January 25 and February 14, 2006, and that there are no visible easements or encroachments except as shown.

> James E. Schwarz Registered Professional Land Surveyor No. 4760

> > Job No. 06-022

CASE NO: Z2006099 CD

Staff and Zoning Commission Recommendation - City Council

Date:

June 01, 2006

Zoning Commission Meeting Date: May 16, 2006

Council District:

8

Ferguson Map:

480 A5

Appeal:

Applicant:

Owner:

Brown, P.C.

Bagheri Brothers, Inc. and Phillip Knaupp

Zoning Request:

From "C-1 S" GC-1 Light Commercial Gateway Corridor District-1 with a Specific Use Permit For a Three Restaurant Complex with Sales of Alcoholic Beverages Incidental to the Consumption of Food and "R-20" GC-1 Residential Single-Family Gateway Corridor District-1 to "C-2" GC-1 (CD-

Automobile Dealership) Commercial Gateway Corridor District-1 with a Conditional Use for an Automobile Dealership on 6.84 Acres out of NCB 18337 and "C-1" GC-1 (CD-Automobile Dealership) Light Commercial Gateway Corridor District-1 with a Conditional Use for an Automobile

Dealership on 2.27 Acres out of NCB 35733

6.84 Acres out of NCB 18337 and 2.27 Acres out of NCB 35733

Property Location:

21587 IH 10 West and 21660 Milsa Drive

Southwest Corner of IH 10 West and Milsa Drive

Proposal:

To Develop an Automobile Dealership

Neighborhood Association:

Friends of Friedrich Wilderness Park

Neighborhood Plan:

None

TIA Statement:

A Traffic Impact Analysis is not required.

Staff Recommendation:

Approval of C-2 GC-1 (CD-Automobile Dealership) on 6.84 acres out of NCB 18337 (21587 IH 10 West) and C-1 GC-1 (CD-Automobile Dealership) on 2.27 acres out of NCB 35733 (21660 Milsa Drive) with conditions.

A rezone to a commercial district is appropriate along his portion of the IH 10 frontage, as much of the western frontage along IH 10 from Boerne Stage Road south to Camp Bullis Road has several parcels with existing commercial zoning and uses. Locally-oriented commercial uses permitted in the C-2 zoning district either by right, as a conditional district or under a specific use permit are more appropriate at this location than an outright rezone to the C-3 district given the extent of the existing single family residential development in the area from Milsa Drive south to Heuermann Road, extending west to the boundary of Friedrich Park. Additionally, Milsa Drive serves as a highly visible and efficient access point leading to the park and is frequently used by visitors in addition to local residents. Among those regional uses permitted by the C-3 district and not in C-2 are nightclubs, dance halls, automobile and truck repair and service, wholesaling, feed stores, indoor flea markets, home improvement centers, body piercing, and tattoo and massage parlors. The applicants are requesting a conditional C-2 district to allow an automobile dealership.

CASE NO: Z2006099 CD

Staff and Zoning Commission Recommendation - City Council

The subject properties were annexed into the city in 1998 with R-8, a single family residential zoning district that converted to the R-20 district following the 2001 adoption of the Unified Development Code. In January of 2000, the property at 21587 IH 10 was rezoned to B-1 SUP to allow a restaurant complex with the sale of alcoholic beverages incidental to the consumption of food. However, this use was never established on this property. The gateway corridor overlay was applied in 2003, and the subject properties are located entirely within the overlay. The property located at 21587 IH 10 consists of about 6.8 acres and is not currently in use. The property at 21660 Milsa Drive, which abuts this property to the west, consists of just over 2 acres and has an occupied single family dwelling that dates to about 1960.

There is a church located to the north, across Milsa Drive, on property zoned C-2 GC-1 (Z2006064). Further north are large undeveloped lands zoned C-3. To the south, along the frontage of IH 10, are several properties with existing office and commercial zoning, some with established commercial uses that are mostly service-oriented. To the west, along Milsa Drive, is a mix of existing uses, most of these being single family residential in nature. The parcels abutting the subject properties immediately to the west and continuing along the south side of Milsa Drive have existing single family dwellings and parcels with single family zoning districts.

Staff recommends approval of C-2 GC-1 (CD-Automobile Dealership) on 6.84 acres out of NCB 18337 (21587 IH 10 West) and C-1 GC-1 (CD-Automobile Dealership) on 2.27 acres out of NCB 35733 (21660 Milsa Drive) with the following conditions:

- 1. Compliance with all applicable standards of the Gateway Corridor Overlay-1 is required which include, but are not limited to, landscaping, lighting, screening and tree preservation. Consultation with COSA Natural Areas staff on the installation of new plant materials is encouraged.
- 2. Type "C" landscape buffers, including both a fence or wall and vegetation, shall be installed along those property lines directly abutting parcels with existing residential zoning. Specifically, this includes the west and south property lines of the 2.27 acre tract and a portion of the south property line of the 6.84 acre tract.
- 3. Direct access to and from the 2.27 acre tract (21660 Milsa Drive) onto Milsa Drive shall not be allowed and a one foot non-access easement shall be recorded on this tract during platting. Direct access onto Milsa Drive from the 6.84 acre tract (21587 IH 10) shall be restricted to right turning movements only.
- 4. Outdoor speaker systems shall not be used.

Zoning Commission Recommendati	on: <u>VOTE</u>	<u>VOTE</u>	
Approval with conditions	FOR	11	
Approval with conditions	AGAINST	0	
CASE MANACED . Motthour Toylor	207 5976 ABSTAIN	0	
CASE MANAGER: Matthew Taylor	RECUSAL	0	

Z2006099 CD

ZONING CASE NO. Z2006099 - May 16, 2006

Applicant: Brown, P. C.

Zoning Request: "C-1" S "GC-1" Light Commercial Gateway Corridor District-1 with a

Specific Use Permit For a Three Restaurant Complex with Sales of Alcoholic Beverages Incidental to the Consumption of Food and "R-20" "GC-1" Residential Single-Family Gateway Corridor District-1 to "C-2" "GC-1" (CD-Automobile Dealership) Commercial Gateway Corridor District-1 with a Conditional Use for an Automobile

Dealership.

Ken Brown, 112 E. Pecan, representing the owner, stated they are proposing to develop a new automobile dealership (Lexus Dealership) on the subject property. He stated the surrounding properties are all zoned "C-2" or "C-3". He further stated he is in agreement with staff conditions as well as from Friend of Friedrich Park.

FAVOR

<u>Francine Romero</u>, 7518 Pepper Ridge Lane, representing Friend of Friedrich Park, stated they have met with Mr. Brown and are in support of his request.

Staff stated there were 8 notices mailed out to the surrounding property owners, 1 returned in opposition and 0 returned in favor and no response from Friend of Friedrich Wilderness Park

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

COMMISSION ACTION

The motion was made by Commissioner Stribling and seconded by Commissioner Martinez to recommend approval with the following conditions:

- 1. Compliance with all applicable standards of the Gateway Corridor Overlay-1 is required.
- 2. Type "C" landscape buffers, including both a fence or wall and vegetation, shall be installed along those property lines directly abutting parcels with existing residential zoning. Specifically, this includes the west and south property lines of the 2.27-acre tract and a portion of the south property line of the 6.84-acre tract.

Z2006099 CD

- 3. Direct access to and from the 2.27-acre tract (21660 Milsa Drive) onto Milsa Drive shall not be allowed and a one-foot non-access easement shall be recorded on this tract during platting. Direct access onto Milsa Drive from the 6.84-acre tract (21587 IH 10) shall be restricted to right turning movements only.
- 4. Noise shall be restricted by limiting the use of outdoor speakers to between the hours of 8:00 am and 6:00 pm.
- 1. Property is located on 6.84 acres out of NCB 18337 and 2.27 acres out of NCB 35733 at 21587 IH 10 West and 21660 Milsa Drive.
- 2. There were 8 notices mailed, 1 returned in opposition and 0 in favor.
- 3. Staff recommends approval of "C-2" "GC-1" (CD-New Automobile Dealership) on 6.84 acres out of NCB 18337 (21587 IH 10 West) and "C-1" "GC-1" (CD-New Automobile Dealership) on 2.27 acres out of NCB 35733 (21660 Milsa Drive) with conditions.

AYES: Avila, Robbins, Rodriguez, Westheimer, Gadberry, Marshall, Sherrill,

Wright, Martinez, Stribling, Gray

NAYS: None

THE MOTION CARRIED

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.

